XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Cr. M.P.No. 474 OF 2007

[Single Bench: Hon'ble Mr. Justice Dhirendra Mishra]

PETITIONER — Smt. Deepali @ Sunita Devi Sharma, daughter of Shri Ratiram Sharma & Wife of Shri D.K. Sharma, aged about 26 years, resident of Rajim Road, Abhanpur, Raipur

Vs.

RESPONDENTS

1. Dinesh Kumar Sharma, son of Shri Narayan Sharma, aged about 28 years.
2. Narayan Sharma, son of Shri K. Sharma, aged about 60 years.
3. Smt. Maya Devi, wife of Shri Narayan Sharma, aged about 55 years.

   No.1 to 3 are residents of House No.333, Street No.8, Shaheed Bhagat Singh Colony, West Karawal Nagar, Delhi, 94
4. State of Chhattisgarh, through the Police Station Abhanpur, District Raipur.

17.10.2007

Mr. Kshitiz Sharma, Advocate for the petitioner.

Mr. G.K. Beriwal, Dy. Adv. Gen. for the State.

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	Heard.	

By this petition under Section 482 of the Cr.P.C. the petitioner has impugned the order dated 30.5.2007 passed in Case No.699/07 by learned Sessions Judge, Raipur whereby the learned Sessions Judge has granted bail to the respondents herein.

Briefly stated facts are that on the basis of the complaint of the petitioner-wife, offence under Section 498-A read with Section 34 of the Indian Penal Code (for brevity "IPC") has been registered in the Police Station Abhanpur against the petitioner's husband, father-in-law & mother-in-law i.e. respondent No.1 to 3 herein respectively. Learned Sessions Judge, Raipur allowed their application under Section 438 of the Code of Criminal Procedure, 1973 (for brevity "Code") on 30.5.2007 and directed that in the event of their arrest they shall be released on bail and the above order was to remain in force for 60 days. They have also been given liberty to file petition for regular bail before the trial court and accordingly, they were granted regular bail by the trial vide order of Annexure A-4 dated 28.6.2007.

Grievance of the petitioner is that the anticipatory bail has been granted to the respondents herein in the routine manner without considering the gravity of offence and since the respondents have been enlarged on regular bail, they shall not make any effort to settle the matter with the petitioner.

[पीछे दखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

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I have heard learned counsel for the petitioner.

From perusal of the order passed under Section 438 of the Code it is observed that learned Sessions Judge considering the fact that the marriage was solemnized on 26.1.2000 and report was lodged on 31.3.2007 and also considering the age of respondent-Narayan Sharma & Smt. Mayadevi and material collected during investigation has passed the impugned order.

So far as the argument of learned counsel for the petitioner that because of the bail order the possibility of rapprochement between the parties has receded is concerned, the parties are at liberty to settle their matter amicably by resorting to legal provisions available under the law, however, this object cannot be achieved by filing application for cancellation of their bail, as this may further aggravate the ill-will between the parties.

In view of the above discussion, there is no illegality or infirmity in the impugned order warranting interference in exercise of jurisdiction vested under Section 482 of the Code and the petition being devoid of merit is liable to be dismissed and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

[पीछे देखिये